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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kenping Xie

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EXAMINER

PHILLIPS, HASSAN A

ART UNIT

PAPER NUMBER

2445

MAIL DATE

DELIVERY MODE

01/27/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/763,246	Applicant(s) XIE ET AL.	
	Examiner HASSAN PHILLIPS	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to communications filed November 12, 2010.

Claims 1, 6, and 8-18 remain pending in this application.

Response to Arguments

2. Applicant's arguments filed November 12, 2010 have been fully considered but they are not persuasive. Applicant argues the original disclosure provides support for "identifying said computer in the network only by the FDCA on a network layer without converting the FDCA to an IP address" as recited in independent claims 1 and 18. The examiner respectfully disagrees.

3. In the arguments applicant's point to the description of "assigning the addresses to the online computers" in the second full paragraph of page 2 of the specification. Applicant's also point to the paragraph bridging pages 1 and 2 and the first full paragraph from the bottom of page 2 of the specification. The examiner submits that these passages fail to mention anything even remotely close to identifying a computer in a network only by an FDCA ***on a network layer without converting the FDCA to an IP address***. Instead, all that is mentioned is a solution for assigning addresses to an online computer in full digital code using a full digital code address comprised of an online number, a telephone number, and a category number. The examiner submits this description is neither clear, nor concise, nor written in exact terms

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as to enable any person skilled in the art to make and use the invention as currently claimed.

4. Applicant further argues that the original disclosure provides support for "identifying said computer in the network only by the FDCA on a network layer without converting the FDCA to an IP address" as evidenced in the declaration by Zhao Lin under 27 C.F.R. 1.132. The examiner respectfully disagrees.

5. As indicated in the final office action mailed January 12, 2010, the declaration under 37 CFR 1.132 filed November 13, 2009 fails to set forth facts. In the declaration Zhao LIN states, "I believe that a person of ordinary skill, at the time this application was filed, would have recognized: 1) that FDCA is a network address and can be used directly without further conversion to an IP address..." Zhao LIN also indicates that his beliefs are based on the description in the Background of the Art, the Summary of the Invention and the Description of the Preferred Embodiment. Nevertheless, Zhao LIN fails to set forth facts that prove applicant's claimed invention **has** to work in the manner recognized by Zhao LIN, and that in no way would one of ordinary skill in the art interpret applicant's claimed invention as suggested by the examiner in previous actions.

6. Accordingly the 112 1st rejections presented in the previous office action are maintained.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1, 6, and 8-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

9. Independent claims 1 and 18 have been amended to similarly recite assigning to a computer a unique full digital code address (FDCA) that is adapted to replace IP address-domain name address coding solutions and ***identifying the computer in the network only by the FDCA on a network layer without converting the FDCA to an IP address***. After a careful review of applicant's disclosure, support for the amended limitations could not be found. In fact, the examiner only found teachings that suggested otherwise. For example, in the 2nd full paragraph on the 3rd page of the disclosure applicant recites, "The full digital code address (FDCA) can be interpreted by the dedicated interpreting software into IP address..." Such teachings fail to suggest that the FDCA is adapted to replace IP address-domain name address coding solutions

and identifying the computer in the network only by the FDCA on a network layer without converting the FDCA to an IP address.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HASSAN PHILLIPS whose telephone number is (571)272-3940. The examiner can normally be reached on M-F 9a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HASSAN PHILLIPS/
Primary Examiner, Art Unit 2445